

Page 115

1 We are back on the record with Mr. Archie Davis.  
 2 Mr. Davis, have you read and understood the  
 3 Privacy Act Statement for EEO Complaints and Grievances?  
 4 THE WITNESS: Yes, I have.  
 5 THE INVESTIGATOR: Thank you, sir.  
 6 At this time, would you, please, raise your  
 7 right hand and repeat after me.  
 8 ARCHIE DAVIS,  
 9 having been first duly sworn, testified as follows:  
 10 EXAMINATION  
 11 BY THE INVESTIGATOR:  
 12 Q Thank you, sir. If you could repeat your first  
 13 and last name and spell it slowly for the court reporter.  
 14 A Archie, A-r-c-h-i-e. Last name Davis, D-a-v-i-s.  
 15 Q Mr. Davis, what is your race?  
 16 A Black.  
 17 Q And were you visually aware of Complainant's  
 18 race?  
 19 A Visually, I didn't want to make any assumptions.  
 20 I don't really look at race.  
 21 Q Okay. And what is your sex?  
 22 A Male.  
 23 Q Are you visually aware that Complainant is a  
 24 female?  
 25 A I can tell that.

ken@kenowen.com \* www.kenowen.com  
 800.829.6936 \* 512.472.0880  
 Francis-Howard-000415 HOWARD ARMY 0464

1 Q Okay. And were you aware of Complainant's  
 2 medical condition?  
 3 A I'm aware that she experienced migraines.  
 4 Q And when did you become aware of this, sir?  
 5 A I can't recall.  
 6 Q Complainant is stating that she felt as though  
 7 she was retaliated against with regard to filing an EEO  
 8 complaint on August 19th.  
 9 Were you aware of that EEO complaint?  
 10 A I was made aware of an EEO complaint. I can't  
 11 recall exactly -- I think it was that Friday morning,  
 12 which was, I believe, the 5th of August.  
 13 Q Okay.  
 14 A I was in my office with my deputy, talking about  
 15 some matters, and Mr. Fulgate (phonetic) and our G-1 came  
 16 to inform me.  
 17 Q Okay. And Mr. Davis, what is your position? I  
 18 need title, series and grade.  
 19 A I am the Director of Resource Management, NHO-4,  
 20 which is a GS-15 equivalent.  
 21 Q And how long have you held this position?  
 22 A Ever since the 13th of August of 2012.  
 23 Q 2012. Okay.  
 24 A So just over four years.  
 25 Q And who is your first-line supervisor?

ken@kenowen.com \* www.kenowen.com  
 800.829.6936 \* 512.472.0880  
 Francis-Howard-000416 HOWARD ARMY 0465

Page 117

1 A Chief of Staff, COL Ronald McNamara.  
 2 Q And for which activity do you work for?  
 3 A United States Army Operational Test Command.  
 4 Q And what is your working relationship to the  
 5 Complainant?  
 6 A She's one of my employees.  
 7 Q Do you know -- I'm sorry -- what line of  
 8 supervision are you? Her second, third, or fourth?  
 9 A Second.  
 10 Q Okay, sir.  
 11 A And can I also make a point that I'm the senior  
 12 rater for all personnel that works within the G.  
 13 Q The senior rater. Okay.  
 14 Complainant alleges that she was discriminated  
 15 against and harassed (nonsexual) based on her race, black;  
 16 sex, female; disability, mental and physical; and reprimed  
 17 against when she was not reasonably accommodated by her  
 18 supervisor, yourself, Mr. Archie Davis, when:  
 19 Allegation A, on or about July 25th, the  
 20 Complainant alleges she was not permitted to continue her  
 21 alternative work schedule while on telework; however,  
 22 another employee, white female, was allowed to do so.  
 23 What role, sir, if any, did you play regarding the  
 24 Complainant's alternative work schedule?  
 25 A Even though I've been accused of this allegation,

ken@kenowen.com \* www.kenowen.com  
 800.829.6936 \* 512.472.0880  
 Francis-Howard-000417 HOWARD ARMY 0466

Page 118

1 I am not the decision-maker for reasonable accommodation.  
 2 As the director, I provide guidance to my supervisors in  
 3 the processing of a reasonable accommodation request.  
 4 Q Okay. So when -- Ms. Lynn Howard, her first-line  
 5 supervisor, did she have to bring the request to you?  
 6 A Yes. Throughout the time after Camille submitted  
 7 her request and throughout the time that Tracy took the  
 8 time to process the request, interacting with various  
 9 agencies, to include the EEO office here, CPOC, as well as  
 10 the subject-matter experts within the Command, she kept me  
 11 abreast of how she was doing in processing that request.  
 12 And at the same time, she made me aware that she was also  
 13 sitting down with Camille to keep her abreast, as well, of  
 14 what was going on and the status of it.  
 15 I think at some point throughout the process,  
 16 understanding that there is a certain time limit that you  
 17 have to process a request once it is submitted to you, I  
 18 know that Tracylynn experienced some delays after we had  
 19 submitted the documentation to the EEO office for them to  
 20 review. EEO had some delay in returning it back to us.  
 21 Again, I believe she kept Camille informed of that as  
 22 well.  
 23 Q Okay. The final approval or the final discussion  
 24 was a two-day telework without the AWS, correct?  
 25 THE INVESTIGATOR: Or was that with the AWS,

ken@kenowen.com \* www.kenowen.com  
 800.829.6936 \* 512.472.0880  
 Francis-Howard-000418 HOWARD ARMY 0467

Page 119

Page 120

1 Ms. Francis-Howard.

2 THE COMPLAINANT: I'm sorry.

3 THE INVESTIGATOR: When Ms. Howard gave the

4 testimony that you-all had agreed on, or there was drafted

5 documentation of a two-day telework, that was with the AWS

6 or without the AWS?

7 THE COMPLAINANT: The e-mail that I received

8 from Ms. Howard stating that she was sending up the

9 reasonable accommodation for approval, the e-mail stated

10 she was sending it up with my alternate work schedule.

11 THE INVESTIGATOR: Do you recall what you

12 signed? She stated that you signed off on --

13 THE COMPLAINANT: Yes. I did sign off on

14 what she presented. However, I went back and e-mailed and

15 asked follow-up questions as to why and how did they come

16 to that decision and various questions that I submitted in

17 an e-mail. Because when I submitted her the packet, I

18 also submitted her the information from JAN, the Job

19 Accommodation Network under the Department of Labor for

20 reasonable accommodations for migraines, to take into

21 consideration on what I was asking.

22 THE INVESTIGATOR: Okay.

23 THE WITNESS: I will tell you that

24 throughout the entire process, as I clearly stated,

25 Camille was kept informed of the process as well as also

ken@kenowen.com \* www.kenowen.com  
800.829.6936 \* 512.472.0880  
Francis-Howard-000419 **HOWARD ARMY 0468**

1 briefed by Tracylynn that as she was processing the

2 request that there was a possibility that once a decision

3 was made by the Command in terms of what she was going to

4 be authorized or if there was going to be an approval,

5 that there's a possibility that the RDO would be removed

6 from her -- from her schedule. And she clearly outlined

7 what those potential reasons would be for removing the

8 RDO.

9 Q (BY THE INVESTIGATOR) Okay.

10 A If you want me to expand on that, I can, in terms

11 of what those potential -- things that were considered,

12 rather, for her job performance in terms of what would

13 potentially be removed -- or why the RDO would be removed.

14 Q Okay. You can. Ms. Lynn Howard did, but, yes,

15 you are more than welcome to.

16 A Again, as Camille has articulated in her

17 statement, she accepted the role and responsibility of our

18 GCSS-Army subject-matter expert. And so we had come to

19 rely upon her to be that subject-matter expert. Again,

20 the rationale was that, you know, I can't, as a director,

21 take her duties and responsibilities and give them to

22 someone else.

23 Q Okay.

24 A So again, that's a factor in some of the

25 decision-making that we make, in terms of she has a set of

ken@kenowen.com \* www.kenowen.com  
800.829.6936 \* 512.472.0880  
Francis-Howard-000420 **HOWARD ARMY 0469**

Page 121

Page 122

1 duties and responsibilities that are her primary duties

2 and responsibilities. And even though we have done

3 everything that we could to accommodate her medical

4 concerns, we still had to, also, take into consideration

5 the mission.

6 So again, the rationale was that if we grant any

7 specific time for telework, that we would establish that

8 telework in the middle of the week. That gives somewhat

9 of a break in time for potential episodes of her potential

10 migraines. So again, she comes to work on Monday. She

11 teleworks, I believe, Tuesday and Wednesday. She's at

12 work Thursday and Friday. And she's off Saturday and

13 Sunday.

14 And at the same time, because she is -- has to be

15 accessible to customers -- and this is a very robust and

16 diverse Command who is all over the country, executing

17 missions on behalf of the Department of the Army -- it's

18 imperative that she, in her role, be available to assist

19 customers when needed. And not at a certain set time

20 period. But, again, if I took her primary duties and

21 responsibilities away from her and allow her to telework

22 four days a week, then, again, I would be now required, as

23 a director, to give a portion of her duties and

24 responsibilities to someone else to do.

25 Does that make sense?

ken@kenowen.com \* www.kenowen.com  
800.829.6936 \* 512.472.0880  
Francis-Howard-000421 **HOWARD ARMY 0470**

1 Q I understand. So even though you weren't the

2 final approving authority, did you have any input, or was

3 it strictly Ms. Howard?

4 A It was primarily Ms. Howard, her supervisor.

5 Again, as a director, I have a huge responsibility

6 managing millions of dollars; that I'm constantly in and

7 out of meetings with these Commands, making critical

8 decisions in terms of the mission that we support. So I

9 don't get down, in most cases, in the weeds of preparation

10 for a request like these things. So that's why there's a

11 supervisor who is there to -- who, even though they are

12 busy, is also taking the necessary time to ensure that we

13 are taking care of our personnel.

14 Q Okay. Complainant stated that there was a white

15 female under the AWS telework. Are you aware of that?

16 A Again, I don't make assumptions.

17 Q There was a female?

18 A So she -- for the first time she cleared up who

19 she was considering, I felt that, again, this is a

20 decision by the Command.

21 Q Okay.

22 A The Command has over 350 civilians, DA civilians

23 that work for the Command, and so each and every one of

24 those civilians are comprised of many disabled veterans,

25 to include myself, many civilians that are not veterans

ken@kenowen.com \* www.kenowen.com  
800.829.6936 \* 512.472.0880  
Francis-Howard-000422 **HOWARD ARMY 0471**

Page 123

Page 124

1 but also have some type of medical challenges. So the  
2 Command makes the decisions regarding reasonable  
3 accommodation independently and not, as Camille would  
4 suggest, there's a blanket standing order that for every  
5 reasonable accommodation, this is the standard that we  
6 give everyone.

7 So independently, based on the medical condition  
8 and everything that's taken into consideration, and the  
9 Command makes an informed decision once we give them the  
10 pertinent information they need to make an informed  
11 decision.

12 And the challenge that we have had with Camille  
13 is that she has a tendency to be very vague. She's very  
14 private. You know, when Tracylynn comes to me to update  
15 me on some of the challenges that she's having with her --  
16 even her former supervisor -- if there was any medical  
17 issue that they wanted to update me on, they would inform  
18 me that Camille does not want anyone to -- else to be  
19 aware of her -- of some of the medical concerns that she  
20 has. So some of the things that she was, potentially,  
21 experiencing, the supervisors did not bring to my  
22 attention because of her request.

23 Q Okay. Allegation B, on or about July 2016, she  
24 alleged she received notification that she was not  
25 selected for a GS-12 Budget Analyst position that she

ken@kenowen.com \* www.kenowen.com  
800.829.6936 \* 512.472.0880  
Francis-Howard-000423 **HOWARD ARMY 0472**

1 applied for on May 20th. And she believes she was not  
2 selected based on her request for reasonable  
3 accommodation.

4 A I will tell you that she was not selected because  
5 she was not the best qualified, and it had nothing to do  
6 with her reasonable accommodation request.

7 Q Well, my question --

8 A I'm sorry.

9 Q That's okay. My question is: What role, if any,  
10 did you play, if any, regarding the non-selection?

11 A I'm the decision-maker for all selections for the  
12 G-8.

13 Q And I reviewed the case file. I did not see a  
14 panel being used, so were you --

15 A That's great. I appreciate it. That's a good  
16 question. I can talk to you about all the great things I  
17 have done for the G-8 since I have hit the ground there.  
18 I have taken a flat organization and created a more robust  
19 organization that has the ability to -- has the capacity  
20 and capability to do all the full-spectrum financial  
21 management support that we provide to the Command. I  
22 have, in essence, performed some great deeds within the  
23 directorate.

24 When I came on board, I took some necessary time  
25 to do my own personal assessment of how we were initially

ken@kenowen.com \* www.kenowen.com  
800.829.6936 \* 512.472.0880  
Francis-Howard-000424 **HOWARD ARMY 0473**

Page 125

Page 126

1 structured. My assessment concluded that we had taken a  
2 lot of risks associated with financial management. I made  
3 that aware to the Command of my concerns. And then I  
4 initially -- I took the necessary time to restructure the  
5 organization through some more -- some of the most  
6 difficult times, FY-13 physical uncertainties,  
7 restrictions.

8 We were short personnel and we had other  
9 personnel attached -- assigned to our forward  
10 directorates, and these are financial managers. And so it  
11 was -- to me, it was -- there were some major concerns.  
12 As a matter of fact, I didn't sleep well at night, because  
13 no one ever informed me of what I was going to inherit  
14 when I retired off active duty and took over this  
15 position.

16 So it was imperative to me to take the necessary  
17 time to develop a plan going forward, and this included  
18 restructuring the organization to be more responsive to  
19 the Commands, taking control of financial managers that  
20 was reassigned to forward directorates. And then gain an  
21 approval to hire some critical shortages --

22 Q Okay.

23 A -- that was needed to ensure that we had the  
24 physical accountability under control.

25 So I've been going through this for the past four

ken@kenowen.com \* www.kenowen.com  
800.829.6936 \* 512.472.0880  
Francis-Howard-000425 **HOWARD ARMY 0474**

1 years. And at the same time, as a leader, I took the  
2 necessary time to sit down and personally rewrite every  
3 job description within the G-8. Based on my assessment of  
4 looking at PDs, they were antiquated and outdated and  
5 needed to be updated. My personnel, in my opinion, were  
6 taking on a huge responsibility and were not adequately  
7 being compensated for the amount of work that they were  
8 expected to do under the shortages that we were  
9 experiencing. So I navigated through some difficult  
10 times, and I had to do even something called a Lean Six  
11 Sigma, a project to gain approval to hire critical  
12 shortfalls, to gain control of those positions that had  
13 been given out to the forward directorates. So it was a  
14 tough time.

15 Q Okay.

16 A But I navigated through it. I rewrote every PD.  
17 And Camille was one of five people that I accreted from a  
18 GS-9 to a GS-11.

19 Q Okay.

20 A Five people. And that was effective July 13th of  
21 -- July 2013. And that was a tremendous assessment, in my  
22 opinion, because we were starting to break through some of  
23 the red tape that we were imposed to at the time. So  
24 throughout this entire time, I have -- I have -- I created  
25 just about every one of my positions. So every person

ken@kenowen.com \* www.kenowen.com  
800.829.6936 \* 512.472.0880  
Francis-Howard-000426 **HOWARD ARMY 0475**

Page 127

1 that works for me has been promoted since I've been there.

2 Q Okay.

3 A And I believe that is unprecedented. And I have  
4 created positions and opportunities that did not exist. I  
5 went from all GS-9 positions and GS-11 positions to now to  
6 GS-11 and GS-12 and -13 positions.

7 So when I open up an announcement on Fort Hood  
8 and -- oh, by the way, financial management community is a  
9 very small community. So when we do things, it's like a  
10 bullet heard around the country. Everyone is aware of the  
11 great things that we are doing at OTC. When I would open  
12 up a position, they would all apply, from all over the  
13 installation. So we get a lot of great, competitive  
14 people looking for opportunities for upper mobility.

15 But one of things that I have done for my folks  
16 that was there, I have taken the time to bring them  
17 together. And the first thing I did when I first got some  
18 -- an opportunity to sit down with them all -- and this is  
19 the type of person that I am, by the way. I'm a very  
20 compassionate, caring leader who would go above and beyond  
21 to make sure people are taken care of. And so one of  
22 first things I did with them -- and Camille can probably  
23 remember this -- the first thing I did, I said, "I  
24 apologize" to them. And they looked at me the way you are  
25 probably looking at me now. Why would I apologize to

ken@kenowen.com \* www.kenowen.com  
800.829.6936 \* 512.472.0880  
Francis-Howard-000427 **HOWARD ARMY 0476**

Page 128

1 them? It's because -- I apologized because I didn't get  
2 there soon enough. But I told them that I was there now,  
3 and I was prepared to move forth and make a difference in  
4 their lives and help them to progress in their careers.

5 Q Okay.

6 A So -- and that's one of the reasons why I also  
7 became the senior rater for all personnel, to eliminate  
8 any potential forms of discrimination. So if you are  
9 going to accuse someone of discrimination, then accuse me,  
10 because I'm not the type of person that discriminates.

11 Q That's going to be one of my questions later on.

12 A I know you are. So at the same time, I told them  
13 about the opportunities that I was embarking upon. I told  
14 them about all the changes that we are making. We added  
15 capacity. We added functions that did not exist that  
16 needed to exist. And everyone was excited about the  
17 direction that we were heading.

18 And believe it or not, I have spoken to Camille  
19 on numerous occasions about her performance. And Camille  
20 was there about a month before I got there. And when I  
21 got there, she would freak in my office on a regular basis  
22 to tell me about some things that she was experiencing in  
23 life. One of the first things that I granted to her was  
24 something called Administrative Leave, so that she can be  
25 at home to receive her house when --

ken@kenowen.com \* www.kenowen.com  
800.829.6936 \* 512.472.0880  
Francis-Howard-000428 **HOWARD ARMY 0477**

Page 129

1 Q Mr. Davis --

2 A I need to get back on course.

3 Q Yes. I need to get back on course now. I know  
4 you were the deciding official --

5 A So this is a position that I created, an  
6 opportunity that I created. And instead of opening this  
7 position up -- and I worked for several months with CPOC  
8 to create an 11 to a 12, convert it from a 0560 Budget  
9 Analyst to a 0501 Financial Management Analyst, a GS-12  
10 position, an 11 to a 12. And once we did that, we opened  
11 it up, and I made a decision to open it up internally.

12 Q Internally only?

13 A A competitive internal promotion only.

14 Q Okay.

15 A So it was opened up competitively, but not to  
16 the --

17 Q To the outside. Okay.

18 A -- outside. So I worked with CPOC to identify  
19 the GS-11s that I had assigned that I believed were  
20 eligible to compete for the position. And I got an e-mail  
21 to outline exactly what I did. Camille's name was on that  
22 list. I sent it over to CPOC. They responded to me  
23 shortly thereafter, and told me that one person that I  
24 thought was eligible that is based at Fort Sill was not  
25 eligible. But they also identified one other person that

ken@kenowen.com \* www.kenowen.com  
800.829.6936 \* 512.472.0880  
Francis-Howard-000429 **HOWARD ARMY 0478**

Page 130

1 is not a budget analyst, but she was eligible because she  
2 had some budget analyst -- some financial management  
3 responsibility within her PD.

4 Q Okay.

5 A So, again, this position was opened up  
6 internally. Right before it opened up, I communicated  
7 with the CPOC representative. Once we confirmed those who  
8 were eligible, she informed me that she would send them an  
9 e-mail to notify them that this position was going to  
10 open. And this was sometime, I believe, in the May time  
11 period. And then she also gave them a telephonic phone  
12 call to confirm that they had received an e-mail and that  
13 they were aware that the position was going to be  
14 announced and it was only going to be announced  
15 internally.

16 Of the five people that was eligible, I believe  
17 three -- only three applied for it.

18 Q Who were the three that applied?

19 A Camille was one, Ms. Cheryl Seymour was the  
20 other, and Ms. Virginia Brooks was the third person.

21 Q What criteria did you use to make your decision?

22 A As I do with all announcements, we use the Office  
23 of Personnel Management hiring guidelines to do hiring  
24 actions. So we used that -- the criteria that we normally  
25 use, looking at personnel experience, their skills, their

ken@kenowen.com \* www.kenowen.com  
800.829.6936 \* 512.472.0880  
Francis-Howard-000430 **HOWARD ARMY 0479**

Page 131

Page 132

1 knowledge, their training, their duty performance,  
2 analytical skills and demonstrated potential for increased  
3 responsibility.

4 In this particular case, since it was an internal  
5 promotion, I did not have to do a panel.

6 Q Okay.

7 A The Office of Personnel Management allows a  
8 selecting official to use different forms to do hiring  
9 actions. If I did a panel, then I had to do a panel for  
10 everyone that I identified as a potential candidate.

11 Q Okay.

12 A If I did -- if I didn't do a panel -- as a matter  
13 of fact, I couldn't talk to -- I couldn't interview one  
14 and not the others. I had to be consistent.

15 So I kind of understand, working with CPOC, what  
16 I can and cannot do. And I make sure that I adhere to the  
17 Office of Personnel Management hiring criteria. And I  
18 can't use someone's disability as a discriminator.

19 Q True.

20 A That is forbidden. And, oh, by the way,  
21 disabilities is not a concern with me. As I explained to  
22 you, I'm a disabled veteran myself. I have a compassion  
23 for people with disabilities. I'm 100 percent disabled  
24 veteran.

So does that answer your question?

25 Q You told me what the criteria was.

ken@kenowen.com \* www.kenowen.com

800.829.6936 \* 512.472.0880

Francis-Howard-000431 **HOWARD ARMY 0480**

1 A So in this particular case, this was an internal  
2 promotion. I looked at the various factors. And I got an  
3 e-mail that I sent back to -- I want to quote verbatim  
4 what I told the CPOC representative what I did in this  
5 particular case. This is my e-mail back to them. I said,  
6 "In this case" --

7 Q Could you give me the date of the e-mail and the  
8 subject?

9 A The date is Wednesday, June 15th, 2016.

10 And, oh, by the way, that's an important point.

11 I made a selection around the 10th of June. The candidate  
12 I selected was notified somewhere around the 13th of June,  
13 and it was all finalized somewhere around the 15th of June  
14 of 2016.

15 Q Okay. Thank you.

16 A So the title is subject, tentative job offer,  
17 Financial Management Analyst. And the person I'm  
18 communicating with is the CPOC representative for  
19 Operational Test Command. Her name is Judy -- I have to  
20 spell the last name --

21 Q It starts with a P?

22 A P-o-t-a-c-z-e-k. And she asked me to give her  
23 some feedback on my selection criteria, at that time. So  
24 I said, "Judy, in this case, I took a serious look at each  
25 employee's resumé, their background, past experience,

ken@kenowen.com \* www.kenowen.com

800.829.6936 \* 512.472.0880

Francis-Howard-000432 **HOWARD ARMY 0481**

Page 133

Page 134

1 financial management knowledge and analytical skills. I  
2 placed more weight on their demonstrated potential for  
3 increased responsibilities as well as their duty  
4 performance, their ability to consistently exceed assigned  
5 duties, functions, and responsibilities. I also conferred  
6 with my deputy in providing her an assessment of candidate  
7 and recommendation on the best qualified person and the  
8 employee who is ready and better prepared to assume  
9 increased responsibilities and duties at the GS-12 level."

10 So again, unfortunately, everyone can't be  
11 selected. And if I could select everyone like I have done  
12 over the course of my four years I've been there, I would.

13 Q Could you give specifics as to why Complainant  
14 was not selected?

15 A Yes. She was not the best qualified candidate.  
16 The person that was selected was a superior candidate to  
17 her. The person's level of duties and responsibilities,  
18 for example, the amount of money that the person is  
19 currently managing. This was a position that was hired  
20 inside the Budget Execution section. Camille works in  
21 Plans and Programs. Even though she manages a GCCS-Army  
22 system, she does not manage any dollars in terms of  
23 execution of dollars.

24 We process -- GCCS has the current Army supply  
25 system. Within OTC, I think we process, on the average

ken@kenowen.com \* www.kenowen.com

800.829.6936 \* 512.472.0880

Francis-Howard-000433 **HOWARD ARMY 0482**

1 between six to eight hundred thousand dollars of supply  
2 transactions in the system. This young lady who I  
3 selected is a -- consistently exceeds standards in her  
4 duty performance. She's always taken on additional  
5 responsibilities without issue. She manages two separate  
6 budgets, two separate directorate's budgets. She has  
7 constantly been allotted by leaders throughout the Command  
8 on the -- her level of attention to detail in the work  
9 that she has performed for them. She had the skills.

10 In terms of training, she has a bachelor's degree  
11 in accounting. Just like Camille said, she is certified  
12 as a financial manager. Even though it's not a  
13 requirement, it's highly encouraged. This certification  
14 plays a great deal in all financial management selection  
15 criteria. So all our financial managers, even though  
16 certain training is not required, it's highly encouraged  
17 to enhance your career progression.

18 And so, in looking at this young lady's skills,  
19 her prior duty performance -- I also took a look at their  
20 annual evaluations --

21 Q Okay. Fair enough.

22 A -- since I am the senior rater. Since it's an  
23 internal promotion, who else knows how they perform other  
24 than the supervisors. And I, as a director, I'm a people  
25 person, so I go out and actually look at, I monitor. I'm

ken@kenowen.com \* www.kenowen.com

800.829.6936 \* 512.472.0880

Francis-Howard-000434 **HOWARD ARMY 0483**

Page 135

Page 136

1 the senior rater, so I counsel them on an annual basis  
2 when they are counseled. I do their initial counseling,  
3 their mid-term counseling. I'm a part of all those  
4 things. I kind of know exactly what my personnel do, what  
5 their level of performance is.

6 Q Okay.

7 A So I think that from my years of experience as a  
8 professional financial manager, I kind of got to know who  
9 stands out.

10 Q Where did Complainant rank? You said there were  
11 three. Where did she rank?

12 A In her case, looking at the other two candidates,  
13 she ranked number three of the three.

14 Q Okay.

15 A Even though the other person does not do a lot in  
16 financial management, the other person's duty performance  
17 far outweighs everything else. And as a Budget Analyst,  
18 we can easily train them to do the functions that we need  
19 them to do. And this person has demonstrated that type of  
20 potential to take on increased responsibility and is very  
21 diverse in her roles and responsibilities.

22 I looked at all of their past two years of annual  
23 evaluations.

24 Q Okay.

25 A I have them here, if you want to take a look at

1 them. The other two candidates, evaluations for the past  
2 two years are -- has nothing but "excellence."

3 Camille's evaluations for the past two years have  
4 been "successful."

5 Q Okay.

6 A So there's a big difference in the three  
7 candidates. Even though Camille has been successful at  
8 her duties, she doesn't do much to excel.

9 Q Okay.

10 A So I took my necessary time, and I made a  
11 conscious decision. And, yes, I get paid to make these  
12 decisions and I have to make tough decisions. But I look  
13 at all factors and I take everything into consideration  
14 that matters. And in this case, as a professional  
15 financial manager, I'm very confident that I made the  
16 right decision in the person that I selected.

17 Q Thank you, sir.

18 Allegation C, on or about August 4, 2016,  
19 Complainant alleges that she was harassed, degraded,  
20 humiliated and verbally abused in front of her peers by  
21 her supervisor, yourself, Mr. Archie Davis, when she was  
22 forbid to sit near an open door in a conference room. She  
23 stated that she had been verbally granted to sit near open  
24 doors as a reasonable accommodation since 2012.

25 Now, you were here earlier for her testimony.

ken@kenowen.com \* www.kenowen.com

800.829.6936 \* 512.472.0880

Francis-Howard-000435

**HOWARD ARMY 0484**

ken@kenowen.com \* www.kenowen.com

800.829.6936 \* 512.472.0880

Francis-Howard-000436

**HOWARD ARMY 0485**

Page 137

1 How do you respond to that, sir?

2 A Well, first and foremost, I arrived, as I stated,  
3 on August 13th of 2012. For the rest of that year, we did  
4 not have a conference room at that location. The  
5 conference room was small table in a different area. So I  
6 don't know how she was granted to sit by the door in a  
7 conference room that did not exist.

8 Number two, I don't know which potential  
9 supervisor apparently granted her some type of approval to  
10 sit by the door without consulting me, the director.

11 Q Okay.

12 A Ultimately, internally, I make final decisions,  
13 especially when there's a meeting that is taking place  
14 that I am chairing.

15 Q Okay.

16 A I would think that I would know if there was some  
17 type of approval granted to sit by the door every time you  
18 had a meeting. Camille has elected to sit by the door on  
19 occasions, but not every time we had an event or a meeting  
20 in the conference room.

21 Q Okay.

22 A And she has elected to sit by the door.  
23 Sometimes she's the last to come to the meeting. So I can  
24 only sit about 16, at best, people at the conference  
25 table. I have about 23 to 25 people, at one given time.

ken@kenowen.com \* www.kenowen.com

800.829.6936 \* 512.472.0880

Francis-Howard-000437

**HOWARD ARMY 0486**